
HOUSE CONCURRENT RESOLUTION

REQUESTING THE UNIVERSITY OF HAWAII TO CONVENE A TASK FORCE TO
REVIEW ITS CURRENT POLICY ON AFFIRMATIVE CONSENT.

1 WHEREAS, Title IX of the Education Amendments of 1972
2 ("Title IX") prohibits discrimination on the basis of sex in
3 education programs and activities that receive any federal
4 funds; and

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6 WHEREAS, Title IX protects all individuals, regardless of
7 their gender or gender identity, from sexual harassment and
8 violence, which are forms of discrimination; and

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10 WHEREAS, Title IX has been renamed the Patsy Takemoto Mink
11 Equal Opportunity in Education Act in recognition of the late
12 United States Representative Patsy Mink's tireless efforts to
13 develop and pass Title IX; and

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15 WHEREAS, the Violence Against Women Act ("VAWA") is aimed
16 at ending violence against women and girls and remedying laws
17 and social practices that, in the past, have fostered and
18 justified violence against women and girls; and

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20 WHEREAS, the provisions of VAWA have been carefully crafted
21 with the input and assistance of more than 2,000 advocates and
22 experts from around the nation; and

23
24 WHEREAS, VAWA ensures that survivors of sexual assault have
25 access to necessary services; improves institutional responses
26 to violence; provides access to services for gay, lesbian,
27 bisexual, and transgender survivors who frequently are excluded
28 from services; and ensures that survivors of sexual assault in
29 Native American communities and in the United States Territories
30 have access to justice; and
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1 WHEREAS, there has been increasing media attention
2 surrounding allegations of sexual misconduct on college campuses
3 focusing on universities' perceived "deliberate indifference"
4 and lack of institutional response to a growing number of
5 incidents and allegations of sexual violence and sexual
6 harassment; and

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8 WHEREAS, many universities across the nation have
9 implemented organizational and policy changes to better address
10 concerns from a variety of sources that include students,
11 parents, and educators; and

12
13 WHEREAS, the University of Hawaii is committed to
14 maintaining and promoting safe, respectful campus environments
15 that are free from discrimination, harassment, and sexual
16 violence; and

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18 WHEREAS, the University of Hawaii prohibits and does not
19 tolerate sexual harassment, sexual assault, domestic violence,
20 dating violence, and stalking; and

21
22 WHEREAS, the University of Hawaii Board of Regents
23 currently has an executive policy in place concerning incidents
24 of sexual assault, domestic violence, dating violence, and
25 stalking that are subject to the data collection requirements of
26 the federal Higher Education Act of 1965, 20 United States Code
27 section 1092(f), and involve a student, faculty member, or staff
28 member, whether on or off campus; and

29
30 WHEREAS, the University of Hawaii Board of Regents
31 understands and appreciates the need to review all policies,
32 including the executive policy on sexual assault and sexual
33 harassment; now, therefore,

34
35 BE IT RESOLVED by the House of Representatives of the
36 Twenty-eighth Legislature of the State of Hawaii, Regular
37 Session of 2015, the Senate concurring, that various
38 stakeholders are requested to convene an Affirmative Consent
39 Task Force (Task Force) to review and make recommendations on
40 the University of Hawaii's Executive Policy on Domestic
41 Violence, Dating Violence, Sexual Assault, and Stalking; and
42



H.C.R. NO. 100

BE IT FURTHER RESOLVED that the Task Force shall comprise:

- (1) The President of the University of Hawaii, or the President's designee;
- (2) The Vice President for Community Colleges, or the Vice President's designee;
- (3) The Chancellor of the University of Hawaii at Manoa, or the Chancellor's designee;
- (4) The Chancellor of the University of Hawaii at Hilo, or the Chancellor's designee;
- (5) The Chancellor of the University of Hawaii at West Oahu, or the Chancellor's designee;
- (6) The Executive Director of the Hawaii State Commission on the Status of Women, or the Executive Director's designee;
- (7) The Chair of the University of Hawaii Commission on the Status of Women, or the Chair's designee;
- (8) The Executive Director of the Sex Abuse Treatment Center;
- (9) A member of the American Civil Liberties Union; and
- (10) A member of the Women's Legislative Caucus of the Legislature; and

BE IT FURTHER RESOLVED that the Task Force is requested to consider the following concepts when reviewing and revising the current policy:

- (1) Affirming the University of Hawaii's commitment to increasing resources and strengthening the institutional infrastructure of all of its campuses to more effectively address the issue of affirmative consent;



1 (2) Considering best practices and current professional
2 standards in reviewing and revising the current
3 policy; and
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5 (3) Using contemporary corrective actions consistent with
6 academic environments, standard business practices,
7 and the laws of the State; and
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9 BE IT FURTHER RESOLVED that the Task Force shall take into
10 consideration that the policy shall provide guidance for the
11 following at each campus within the University of Hawaii system:
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13 (1) Comprehensive education and prevention programs that
14 inform the University of Hawaii community about the
15 policies, resources, complaint options, remedies, and
16 the risks and myths that contribute to sexual
17 harassment, sexual assault, domestic violence, dating
18 violence, and stalking;
19

20 (2) Information and assistance for individuals who report
21 alleged sexual harassment and sexual violence,
22 including informing individuals about their right to
23 file criminal charges as well as the availability of
24 on- and off-campus resources (e.g., medical,
25 counseling, advocacy, legal, and other support
26 services, including confidential options) and
27 alternative remedies, such as housing, academic, or
28 workplace accommodations, if appropriate and
29 reasonably available, regardless of whether the
30 individual chooses to file a complaint with or report
31 a crime to campus security or a local law enforcement
32 agency;
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34 (3) Prompt and equitable complaint procedures for students
35 and employees that are accessible and widely
36 publicized on a regular basis;
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38 (4) Information for both respondents and complainants that
39 they have the same rights during a student
40 disciplinary hearing or investigation, including the
41 right to a fair and impartial process; to be
42 accompanied by an advisor; to give their side of the



1 story and present all relevant evidence; to receive
 2 simultaneous updates on the status of the
 3 investigation and written notice of the outcome,
 4 including relevant sanctions imposed on student
 5 respondents; and to appeal; and
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- 7 (5) Provisions for corrective actions that the campuses
 8 will implement or instill, including remedies and
 9 disciplinary sanctions, to end incidents of harassment
 10 or sexual violence and to prevent their recurrence;
 11 and
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13 BE IT FURTHER RESOLVED that the Task Force is requested to
 14 submit a report of its findings and recommendations, including
 15 any proposed legislation, to the Legislature no later than 20
 16 days prior to the convening of the Regular Session of 2016; and
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18 BE IT FURTHER RESOLVED that certified copies of this
 19 Concurrent Resolution be transmitted to the Board of Regents of
 20 the University of Hawaii, President of the University of Hawaii,
 21 and each Chancellor on the Council of Chancellors of the
 22 University of Hawaii system.
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